IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

CRL.A.No. 2028 of 2006()

AGAINST THE JUDGEMENT/ORDER IN CRLP.547/2006 DATED 19/10/2006
CC.1008/2003 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR

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APPELLANT: COMPLAINANT

BAHULEYAN, S/O.GOPALAN,
NEDIYIRIPPIL HOUSE, KAZHIMBRAM,
VALAPPAD, CHAVAKKAD.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN

RESPONDENTS: ACCUSED & STATE

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1. ANIL BABU, S/O.RAMAKRISHNAN,
   PANACKAL HOUSE, KAZHIMBRAM,
   VALAPPAD VILLAGE, CHAVAKKAD TALUK.

2. STATE OF KERALA,
   REP. BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.2028 of 2006

Dated this the 29th day of June, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent.

2. It is submitted that the lapse was on account of the wrong noting of the posting date. The order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 31.7.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl